

TABLE OF CONTENTS

	Page
PRELIMINARY STATEMENT	1
I. Late Authorities Filed To Demonstrate The Commission's Continuing Complete Refusal To Comply With NEPA Right Up To The Date Of Argument In This Case.....	2
II. Documentary Material Just Obtained By Appellees Regarding The Government's Inexplicable, Arbitrary Denial Of The Requests Of The Environmental Protection Agency And The President's Council On Environmental Quality To Be Heard Before This Court In Support Of The District Court's Rulings In This Case	3
III. On March 14, 1975, In Another Recent Intervening Case, The Railroads; In Effect, Candidly Conceded That It Is Utterly, Physically Impossible For Shippers Of Recyclable Commodities To Challenge General Rate Increases Approved By The Commission In Subsequent Complaint Proceedings Under The Interstate Commerce Act	6
IV. The Government Continues Falsely To Represent That "Studies Underway in <i>Ex Parte</i> 270" Will Eliminate All Unlawful, Unreasonable Freight Rates Found To Discriminate Against Recyclable Wastepaper, Textile Wastes And Non-Ferrous Metal Scrap. In A Letter Dated March 5, 1975, The Commission's Special Projects Attorney In <i>Ex Parte</i> 270 Admits In Effect That This Representation Is Not True	9
APPENDIX C	1a
APPENDIX D	9a
APPENDIX E	19a

TABLE OF CITATIONS

CASES:

<i>Maine Central Railroad Company v. Interstate Commerce Commission</i> , U.S.D.C., D.C., decided 2/24/75	2
<i>National Association of Recycling Industries, Inc. v. United States and Interstate Commerce Commission</i> , CCA, D.C. Docket No. 75-1225, filed 3/14/75	3

IN THE
Supreme Court of the United States

OCTOBER TERM, 1974

Nos. 73-1966 and 73-1971

UNITED STATES OF AMERICA and INTERSTATE
COMMERCE COMMISSION, *Appellants*

v.

STUDENTS CHALLENGING REGULATORY AGENCY
PROCEDURES (S.C.R.A.P.) ET AL, *Appellees*

ABERDEEN AND ROCKFISH RAILROAD COMPANY,
ET AL, *Appellants*

v.

STUDENTS CHALLENGING REGULATORY AGENCY
PROCEDURES (S.C.R.A.P.) ET AL, *Appellees*

On Appeal from the United States District Court for the
District of Columbia

**SUPPLEMENTAL BRIEF FOR APPELLEES
NATIONAL ASSOCIATION OF RECYCLING
INDUSTRIES, INC., ET AL.**

PRELIMINARY STATEMENT

This supplemental brief on behalf of appellees NARI et al. is filed prior to hearing under and pursuant to the provisions of Rule 41(5) of the Supreme Court Rules. It presents exclusively late authorities and other intervening matters that were not available for inclusion in appellees' brief-in-chief.

Late Authorities Filed To Demonstrate The Commission's Continuing Complete Refusal To Comply With NEPA Right Up To The Date Of Argument In This Case.

In Point V of appellee NARI's main brief, we cited a long list of authorities to demonstrate the Interstate Commerce Commission's complete disdain, hostility and contempt for the National Environmental Policy Act (NEPA) and its statutory requirements, and we contended that the Commission's repeated refusals to comply therewith made it absolutely imperative for the district court in this case carefully to review not only the *form*, but also the *substance* of the Commission's *alleged* compliance with NEPA in the pending action.

On February 24, 1975, after appellee NARI's main brief was filed with this Court, the United States District Court for the District of Columbia rendered its decision in *Maine Central Railroad Company v. Interstate Commerce Commission* (See App. C hereto), a case which depicts the Commission's continuing defiance of NEPA right up to the very moment the instant case comes before this Court for oral argument. In *Maine Central Railroad*, the district court ruled on February 24, 1975:

"The Interstate Commerce Commission has unlawfully failed to promulgate valid regulations or procedures for the preparation of environmental impact statements, as required by 42 U.S.C. § 4332 and recommended in 40 C.F.R. § 1500 *et. seq.*, despite the clear mandate of judicial decisions. *Harlem Valley Transportation Assn. v. Stafford*, 500 F.2d 328 (2d Cir., 1974); and *Greene County Planning Board v. FPC*, 455 F.2d 412 (2nd Cir.), cert. denied, 409 U.S. 849 (1972)."

Moreover, since appellees' briefs were filed in this case, a Petition for Review was filed under recently-enacted Public Law 93-584, 88 Stat. 1917, in the United States Court of Appeals for the District of Columbia Circuit to challenge the Commission's total failure to prepare any Environmental Impact Statements whatsoever under NEPA before it approved a series of further general rate increases for the transportation of recyclable commodities in *Ex Parte 299—Increased Freight Rates and Charges to Offset Retirement Increases*, 1973, and *Ex Parte 303—Increased Freight Rates and Charges*, 1974; and to challenge the Commission's complete disregard for the requirements of recently-enacted Section 603 of The Rail Reorganization Act of 1973 (Public Law 93-236, 93rd Congress) which specifically directed the Commission to "*adopt appropriate rules*" to "*eliminate discrimination against the shipment of recyclable materials in rate structures . . . where such discrimination exists*" (See *National Association of Recycling Industries, Inc. v. United States and Interstate Commerce Commission*, OCA, D.C. Docket No. 75-1225, filed 3/14/75.)

II.

Documentary Material Just Obtained By Appellees Regarding The Government's Inexplicable, Arbitrary Denial Of The Requests Of The Environmental Protection Agency And The President's Council On Environmental Quality To Be Heard Before This Court In Support Of The District Court's Rulings In This Case.

Both railroad appellants and the Government agree in their briefs that, if this case is properly before this Court at this time, the basic questions presented arise completely under the National Environmental Policy

Act (NEPA), 42 U.S.C. § 4321 et seq. (See Railroads' Brief, pg. 4; Govt's Brief, pgs. 2, 3).

Because they are charged by that very statute (NEPA)¹ and Executive Orders issued by the President of the United States² with the administration of that statute (NEPA) and with the duty of appraising the compliance of other federal agencies with the statutory requirements of NEPA, both the Environmental Protection Agency and (upon information and belief) the President's Council on Environmental Quality thus formally applied to the Solicitor General of the United States for permission to file *amicus curiae* briefs or otherwise to present their views and arguments to this Court in support of the district court's opinion and judgment in this case (See *App. D* hereto).

For example, the Environmental Protection Agency, in support of its desire to be heard in this case, advised the Solicitor General on February 4, 1975 (*App. D* hereto):

"The Environmental Protection Agency is of the opinion that the environmental impact statement of the Interstate Commerce Commission in Ex Parte No. 281 does not meet the requirements of Section 102(2)(C) of the National Environmental Policy Act

" . . . Such an impact statement does not, in EPA's opinion, comport with the 'good faith rea-

¹ See National Environmental Policy Act, 42 U.S.C. § 4321, 4341-4344.

² See Reorganization Plan No. 3 of 1970, after 42 U.S.C. § 4321, signed by the President on July 9, 1970; Executive Order 11514, dated March 5, 1970, entitled "*Protection and Enhancement of Environmental Quality.*"

soned analysis' required where comments of 'sister agencies disclose new or conflicting data or opinions that cause concern that the agency may not have fully evaluated the project and its alternatives.' *Silva v. Lynn*, 482 F.2d 1282, 1285 (1st Cir., 1973)."

The Solicitor General, unfortunately and unfairly appellees submit, simply refused to permit these two federal agencies, charged by law with the administration and oversight of NEPA, to file briefs with this Court in this case (See *App. D* hereto).

Thus, insofar as the Government's participation in this case is concerned, this Court will hear the Solicitor General flatly embrace the NEPA position repeatedly taken by the Interstate Commerce Commission, while at least two other federal agencies, both directly responsible for the proper operation of the statute before this Court for review, have been effectively enjoined from presenting their views and legal arguments in support of the district court's rulings in this case.

Appellees thus suggest, and with the Court's permission, hereby move that, if the Court ultimately decides it has jurisdiction to review the merits of the district court's rulings in this case under NEPA, a fair opportunity be afforded to both EPA and CEQ to file briefs in response to the questions raised herein by appellants under the National Environmental Policy Act.

III.

On March 14, 1975, In Another Recent, Intervening Case, The Railroads, In Effect, Candidly Conceded That It Is Utterly, Physically Impossible For Shippers Of Recyclable Commodities To Challenge General Rate Increases Approved By The Commission In Subsequent Complaint Proceedings Under The Interstate Commerce Act.

The railroads still argue before this Court in this case that general revenue orders issued by the Commission in proceedings such as *Ex Parte 281* should be deemed *not* reviewable because of the *alleged* availability of Section 13 *complaint* procedures,³ wherein shippers of recyclable commodities might subsequently challenge "*individual rates*" or "*particular tariffs thus increased*" (See Railroads' Brief, pgs. 21-24).

In its decision in this case, the district court suggested, as have many courts in the federal system before it in recent years, that Section 13 complaint procedures do *not* afford an "*adequate remedy*" for shippers already saddled with a Commission-approved, unlawful rate increase.

Recently, in *Ex Parte 305—Nationwide Increase Of Ten Percent In Freight Rates And Charges, 1974*, the Commission turned the tables on the railroads and ruled that the pyramidal 10% increase they sought there for the transportation of recyclable commodities would not be allowed on "a general increase basis," but the railroads could, if they desired, increase the 1974 rates for recyclables on an "*individual rate basis*," i.e. by filing "*individual tariffs*" to cover each such proposed individual increase.

³ 49 U.S.C. § 13.

From the railroads' point of view, this simply meant that, instead of raising all rates for recyclables at the same time, the rates would have to be raised "*individually*", *one at a time*.

The railroads, who theretofore argued (as they still do before this Court in this case) that the Section 13 complaint procedure whereby shippers of recyclable commodities burdened with constant annual general rate increases have an "*adequate remedy*" under *Section 13 to challenge them, individually rate-by-rate through the filing of complaints*, suddenly became frantic. On March 14, 1975, they appeared before the Commission and filed an "*Application For Special Permission*" (see *App. E* hereto) wherein they urged the Commission to reverse itself and permit the filing of *one new joint tariff* whereby the rates for *all* recyclable commodities could be increased simultaneously. In their "*Special Permission*" filing, the railroads candidly stated for the first time, contrary to the basic position they still take in the case at bar (*App. E*):

"Unless [special permission] relief is granted herein, applicants would be totally frustrated in their purpose, not because of the merits of the proposed increase, *but by the mechanics of individual tariff adjustment*. In the Eastern District alone, there are more than 1,000 separate tariffs containing line-haul rates and switching charges applying on the movement of recyclables, and there is a multitude of tariffs in the same territory which would have to be adjusted to reflect the proposed increase on other accessorial charges, such as weighing, transit, etc. The effort required under these circumstances would be such as to completely defeat these applicants in applying any across-the-board increase on recyclables for an indeterminate but obviously lengthy future period."

The relevant point, of course, is that if the railroads would be "*frustrated in their purpose*" by merely being required to file *thousands upon thousands of individual tariffs* to accomplish *one annual rate increase* for the transportation of recyclable commodities, *how could the Section 13 complaint procedure possibly be deemed an "adequate remedy" for national shippers of recyclable commodities who must challenge those rate increases, on an individual tariff-by-tariff basis, in thousands upon thousands of complaint proceedings before the Commission?*

In each such complaint case under Section 13, the railroad involved has the right to file an answer "within a reasonable time". The Commission then has the duty "to investigate" each matter complained of in such manner as it deems proper. The Commission's decision in each case is then subject to court review.

In other words, if a mere "*individual tariff filing*" requirement *allegedly "frustrates"* the railroads' ability promptly to effectuate annual rate increases on recyclables, the lengthy, "*individual complaint*" procedure provided by Section 13 presents an absolutely impossible, insurmountable barrier to the effective review of general rate increases licensed by the Commission in a proceeding such as *Ex Parte 281*. If each Section 13 case took just 2 to 3 years to litigate, it would, by the railroads' own admission in their recent "Application For Special Permission", take no less than roughly 2,000 to 3,000 case-years to complete the complaint procedures applicable to all Eastern District tariffs alone!

Appellees reiterate, therefore, that the Section 13 complaint procedure is, in no sense, an "adequate

remedy" or indeed any remedy at all in a case such as this wherein the Commission has approved a nationwide increase for the transportation of all recyclable commodities wherever they may be carried in the United States.

IV.

The Government Continues Falsely To Represent That "Studies Underway In Ex Parte 270" Will Eliminate All Unlawful, Unreasonable Freight Rates Found To Discriminate Against Recyclable Wastepaper, Textile Wastes And Non-Ferrous Metal Scrap. In A Letter Dated March 5, 1975, The Commission's Special Projects Attorney In Ex Parte 270 Admits In Effect That This Representation Is Not True.

In NARI's main brief, it was demonstrated, with supporting written evidence received from the Commission itself, that it was patently false for the Government to argue in this case that a Commission investigation is underway in *Ex Parte 270* which will eliminate all unlawful rates found to discriminate against recyclable wastepaper, textiles and non-ferrous metal scrap (See NARI brief, pgs. 51, 52; App. A, B).

In its Reply Brief, the Government nevertheless continues to rely on its original specious contention, and it asserts: "... the Commission was entitled to allocate to that proceeding [*Ex Parte 270*], rather than to particular general revenue proceedings, the full environmental investigation of [those] ... rates. ..." (See Govt's Reply Brief, pgs. 8-10).

On March 5, 1975, however, after NARI's main brief was on file with this Court, the Commission's Special Projects Attorney in charge of the *Ex Parte 270* rate study procedures, wrote to counsel for NARI emphasizing in effect that the Government's *Ex Parte 270* contentions in this case are not true insofar as re-

cyclable non-ferrous metal scrap, wastepaper and textile wastes are concerned. He reemphasized, first of all, that none of these recyclable commodities have been included in any of the seven formal *Ex Parte* 270 "lead dockets." He then stated that rates charged for non-ferrous metal scrap and 125 other commodities have simply been referred by the Commission to his "Special Projects Group" for "study and analysis", but he immediately emphasized and warned:

"Thus, as you can appreciate, we have no powers other than those possessed by any other independent party to *Ex Parte* 270, such as yourself. Specifically, we have no powers 'to issue meaningful orders correcting any serious inequities, discrimination or unlawful rates' should such be found to exist. . . ." (Italics supplied.)

Finally, the Special Projects Attorney's letter of March 5, 1975 was *absolutely silent* concerning recyclable wastepaper and textile wastes. It was restricted entirely to non-ferrous metal scrap, indicating of course that the rate structure for wastepaper and textile wastes, the largest contributors to this country's growing "mountains of solid waste," are *not* even part and parcel of the meaningless "study and analysis" procedures in *Ex Parte* 270.

Respectfully submitted:

EDWARD L. MERRIGAN
Attorney for Appellees
NARI et al.

888 17th Street, N.W.
Washington, D. C. 20006

March 1975

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 75-157

MAINE CENTRAL RAILROAD COMPANY, *Plaintiff*

v.

THE INTERSTATE COMMERCE COMMISSION,
GEORGE M. STAFFORD, *Defendants*

and

AMOSKEAG COMPANY, *Intervenor-Defendant*

Order

(Filed February 24, 1975)

Having considered plaintiff's Motion for Preliminary Injunction, the pleadings and papers filed in support thereof, the responses of defendant and the intervening defendant, and the oral presentation of all parties at argument held on February 14, 1975, it is in accordance with the Memorandum Opinion attached hereto, this 21st day of February 1975,

ORDERED AND ADJUDGED that defendants, their employees, agents and attorneys are hereby preliminarily enjoined, pending trial herein, from holding hearings on the merits in Consolidated ICC Finance Docket Nos. 27620 and 27621, unless and until the defendants shall have

(1) established procedures for the preparation of an environmental impact statement complying with the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4332(2)(B) and 4332(2)(C), and

(2) prepared and circulated and obtained the comments of appropriate public and private entities on a valid draft environmental impact statement compiled in accordance

with such lawful procedures for the preparation of an environmental impact statement.

/s/ JUNE L. GREEN
June L. Green
U. S. District Judge

(Caption Omitted in Printing)

Memorandum Opinion

(Filed February 24, 1975)

This matter came before the Court on plaintiff's Motion for Preliminary Injunction, the pleadings and papers filed in support thereof, the responses of defendants and intervening defendant, and oral presentation of all parties at argument held on February 14, 1975.

The controversy centers on whether the defendants, Interstate Commerce Commission (hereinafter ICC) and its chairman, George Stafford, have complied with the requirements of the National Environmental Policy Act of 1969 (hereinafter NEPA), 42 U.S.C. 4321 *et seq.*, with regard to agency proceedings thus far completed on Consolidated ICC Finance Docket Nos. 27620 and 27621. Agency hearings were scheduled to commence on Finance Docket No. 27620 on February 18, 1975. Plaintiff sought to enjoin holdings of any hearings on the docket numbers herein until such time as ICC established procedures conforming to the requirements of NEPA and developed and circulated a valid Draft Environmental Impact Statement in accordance with the lawful procedures.

FINDINGS OF FACT

1. ICC Finance Docket No. 27620 is an ICC complaint against Amoskeag Company filed April 2, 1974, by plaintiff Maine Central Railroad Company (hereinafter Maine Central), charging that Amoskeag unlawfully possesses power

to control Maine Central, in violation of Section 5(4) of the Interstate Commerce Act, 49 U.S.C. § 5(4).

2. ICC Finance Docket No. 27621, which was consolidated for all purposes with the above complaint, is an application filed April 23, 1974, by Amoskeag Company to acquire control of Maine Central pursuant to Section 5(2) of the Interstate Commerce Act, 49 U.S.C. § 5(2).

3. Since the adoption of its environmental rules presently codified at 49 C.F.R. 1100.250 (adopted January 14, 1972), the ICC has failed to develop or formally propose to the Council on Environmental Quality (CEQ), regulations or procedures governing the agency's methods for complying with the procedural provisions for the preparation of environmental impact statements established by NEPA, 42 U.S.C. § 4332, and the Guidelines of the CEQ, 40 C.F.R. § 1500 *et seq.*, (1974).

4. The possible environmental impact of the major federal action proposed in Consolidated ICC Finance Docket Nos. 27620 and 27621 has been the subject of substantial controversy among the public and private parties participating in the administrative proceedings. Concern is expressed over the relationship between the proceedings and the proposals of the private applicant, intervenor-defendant Amoskeag Company, for the implementation of operational changes involving Maine Central, Bangor & Aroostook Railroad Company and the Boston & Maine Railroad Company, and the possible development of a New England Railroad System.

5. The Administrative Law Judge of defendant, ICC, in his Memorandum and Order following a prehearing conference served August 7, 1974, found that the matters raised in Consolidated ICC Finance Docket Nos. 27620 and 27621 constitute a proposal for major federal action which may significantly affect the quality of the human environment, thus requiring the issuance of a draft environmental impact statement.

6. The Administrative Law Judge in the August 7, 1974 Order, directed the private applicant, Amoskeag Company, to submit a proposed draft environmental impact statement first, and the other parties to submit such statement at a later date covering at least the environmental issues represented by their respective interests, all in accordance with 49 C.F.R. 1100.250.

7. The Administrative Law Judge further stated that the parties' proposals should not consider the possible environmental relationship of the proceedings to Amoskeag Company's proposals for operational changes affecting Maine Central, Bangor & Aroostook Railroad Company and the Boston & Maine Railroad Company which might be the subject matter of other proceedings before the ICC at a future date.

8. On November 20, 1974, the Commission issued a draft environmental impact statement covering the proceedings in Consolidated ICC Finance Docket Nos. 27620 and 27621, and said statement, with only minor modifications, adopted substantially, and largely in verbatim terms, the environmental analysis and factual material provided by the submission of the private applicant, Amoskeag Company.

9. On December 16, 1974, Maine Central, later joined by the State of Vermont, filed a petition with the ICC seeking dismissal of the application in Finance Docket No. 27621, or alternatively, a stay of the commencement of hearings pending issuance of a draft environmental impact statement which was compiled in accordance with lawful procedure.

10. In an order served January 10, 1975, the Interstate Commerce Commission-Division 3 found that the procedures followed by the administrative law judge in many respects were inconsistent with the policies of the ICC and judicial decisions interpreting the requirements of NEPA, but denied the petition because the opportunity was avail-

able to file comments to the draft which would be given due consideration at the appropriate time, and further that on the merits, relief was not warranted.

11. Notice was served by the ICC on January 10, 1975, that the hearings would commence February 18, 1975, instead of January 20, 1975, as originally scheduled.

CONCLUSIONS OF LAW

1. This Court has jurisdiction to grant injunctive relief, or relief in the nature of mandamus, under 28 U.S.C. §§ 1331 and 1361; 5 U.S.C. §§ 701-706; and 42 U.S.C. §§ 4321 *et seq.*, the National Environmental Policy Act of 1969, *Greene County Planning Board v. FPC*, 455 F.2d 412 (2d Cir.), *cert. denied*, 409 U.S. 849 (1972); *Harlem Valley Transportation Assn. v. Stafford*, 500 F.2d 328, 334 (2d Cir. 1974); *Jones v. District of Columbia Redevelopment Land Agency*, 499 F.2d 502, 511-12 (D.C. Cir. 1974); *National Helium Corp. v. Morton*, 455 F.2d 650, 654-55 (10th Cir. 1971). The Court thus has jurisdiction to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201-02.

2. Plaintiff has standing in its own right and as a "private attorney general" to enforce the mandates of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*, *Harlem Valley Transportation Assn. v. Stafford*, *supra*; *Sierra Club v. Morton*, 405 U.S. 727, 737, 740 (1972); *National Helium Corp. v. Morton*, 455 F.2d at 654-55; *Scanwell Laboratories v. Schaffer*, 424 F.2d 859 (D.C. Cir. 1970).

3. The Interstate Commerce Commission's procedures for preparing draft and final environmental impact statements, 49 C.F.R. §§ 1100.250 *et seq.*, violate the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq.*, and do not conform with the Guidelines of the CEQ, 40 C.F.R. §§ 1500 *et seq.*, in that they do not provide for the preparation of draft environmental impact statements

prior to public hearings, they call upon private applicants to provide the analysis and factual basis for the Commission's impact statements, and they do not provide a procedural foundation for the Commission's preparation of its own, independent and comprehensive, draft environmental impact statement to be available for informed public comment prior to required public hearings.

4. The Interstate Commerce Commission has unlawfully failed to promulgate valid regulations or procedures for the preparation of environmental impact statements, as required by 42 U.S.C. § 4332 and recommended in 40 C.F.R. § 1500 *et seq.*, despite the clear mandate of judicial decisions. *Harlem Valley Transportation Assn. v. Stafford*, 500 F.2d 328 (2d Cir. 1974); and *Greene County Planning Board v. FPC*, 455 F.2d 412 (2d Cir.). *cert. denied*, 409 U.S. 849 (1972).

5. Despite the possibly important and controversial issues relating to the scope and extent of environmental impact raised in Consolidated ICC Finance Docket Nos. 27620 and 27621, the Administrative Law Judge of the Commission directed that the parties submit a "proposed draft environmental impact statement" limited in scope. The Commission then issued a draft impact statement which, in its substantial adoption in, often verbatim terms of Amoskeag Company's statement, was seemingly devoid of the Commission's own comprehensive and independent analysis in violation of NEPA, 42 U.S.C. 4332 and contrary to the CEQ Guidelines, 40 C.F.R. 1500 *et seq.* Impact statements developed in this manner would not provide, as NEPA requires, for full and fair agency development and consideration of the matters that are to be included in impact statements nor would it secure informed comments from interested public or private persons that, together with the draft impact statement, "shall accompany the proposal through the existing agency review processes" of which a public hearing is a part.

6. For the Interstate Commerce Commission to proceed with preparation of a final impact statement based on comments to the draft, and to proceed with public hearings required under the Interstate Commerce Act on ICC Finance Docket Nos. 27260 and 27261 on the basis of a draft environmental impact statement prepared under such improper procedures violates NEPA, 42 U.S.C. §§ 4321 *et seq.*, and is contrary to the CEQ Guidelines, 40 C.F.R. §§ 1500 *et seq.*

7. The public interest and the balancing of harms warrant injunctive relief to prevent the ongoing violation of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, *United States v. City and County of San Francisco*, 310 U.S. 16, 30-32 (1940); *Jones v. District of Columbia Redevelopment Land Agency*, 499 F.2d 502, 512 (D.C.Cir. 1974).

/s/ JUNE L. GREEN
June L. Green
U. S. District Judge

Dated: February 21, 1975